

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re: VINCENT D. IOCOVOZZI,

Debtor.

Chapter 13
Case No. 13-62035

Hon. Diane Davis

2014 AUG 27 PM 4:25
CLERK OF THE
BANKRUPTCY COURT
N.D. OF NY
UTICA

FILED

SCHEDULING ORDER

Debtor Vincent D. Iocovozzi ("Debtor") having filed a Chapter 13 Plan on December 20, 2013 (the "Plan," ECF No. 5), BonNette Iocovozzi having filed an Objection to Confirmation of Plan on March 5, 2014 (ECF No. 24), GPO Federal Credit Union having filed an Objection to Confirmation of Plan on March 6, 2014 (ECF No. 27), 2011 Buck Regal having filed an Objection to Confirmation of Plan on April 4, 2014 (ECF No. 34), the Chapter 13 Trustee having filed an Objection to Confirmation of Plan on April 10, 2014 (ECF No. 35), BonNette Iocovozzi having filed a Supplemental Objection to Confirmation of Plan on April 10, 2014 (ECF No. 36), Debtor having filed Replies to the Objections filed by BonNette Iocovozzi on April 17, 2014 and May 14, 2014 (ECF Nos. 41 & 50, respectively), Debtor having filed an Amended Chapter 13 Plan on May 29, 2014 (ECF No. 55), BonNette Iocovozzi having filed an Objection to Confirmation of Amended Chapter 13 Plan on July 14, 2014 (ECF No. 77), Debtor having filed a Reply to the July 14, 2014 Objection of BonNette Iocovozzi on July 16, 2014 (ECF No. 79), GPP Federal Credit Union having filed an Objection to Confirmation of Amended Plan on July 17, 2014 (ECF No. 81), Carol Ann Malz, Esq., Attorney for Debtor, Thomas P. Hughes, Esq., Attorney for BonNette Iocovozzi, and Maxsen D. Champion, Esq., staff attorney for the Chapter 13 Trustee having appeared before the Court for confirmation at a hearing on July 24, 2014; and the Court having given the matter due deliberation;

NOW, THEREFORE, it is hereby

ORDERED, that an evidentiary confirmation hearing shall be held on **October 28, 2014** at **9:00 a.m.** at the Alexander Pirnie Federal Building, 10 Broad Street, Utica, New York 13501; and it is further

ORDERED, that all discovery shall be completed by **September 12, 2014**; and it is further

ORDERED, that Pursuant to Federal Rule 7026, the identity of any expert witness anticipated to be used at hearing to present evidence pursuant to Federal Rule of Evidence 702, 703, or 705, as well as the written report of the expert shall be served upon opposing counsel and filed with the Court on or before **September 19, 2014**. Any objections to the witness' qualifications as an expert shall be filed and served no later than **September 29, 2014**; and it is further

ORDERED, that all facts shall be stipulated to the maximum extent possible. The parties shall fully cooperate in preparing and filing a joint stipulation of facts on or before **October 17, 2014**; and it is further

ORDERED, that on or before **October 17, 2014**, the parties shall file and serve a list of exhibits and pre-hearing statements which shall include:

- a. Contested material facts;
- b. contested legal issues (including whether the Court has jurisdiction to enter final orders;
- c. evidentiary issues (including any anticipated objections); and
- d. the identification of witnesses each party intends to call at the hearing, along with a brief summary of each witness's anticipated testimony; and it is further

ORDERED, that on or before **October 17, 2014**, each party shall exchange a copy of exhibits it intends to offer at the hearing and shall submit to the Court, in paper format, the originals and two copies. Debtor's exhibits shall be numbered, *i.e.*, 1, 2, 3, etc. Creditors' exhibits shall be identified by letters, *i.e.*, A, B, C, etc.; and it is further

ORDERED, that all exhibits will be received into evidence as to foundation and all witnesses listed in each party's pre-hearing statement will be allowed to testify unless a party files and serves written objections on or before **October 23, 2014**; and it is further

ORDERED, that within 15 days from the date of this Scheduling Order, a party may make a written request on notice to the other parties for a conference regarding the terms of the Order. In such case, the terms of this Order shall remain in effect unless the Court orders otherwise.

Date: August 27, 2014
Utica, New York



Hon. Diane Davis
U.S. Bankruptcy Judge